

TENNESSEE REGULATORY AUTHORITY

Pat Miller, Chairman
Deborah Taylor Tate, Director
Sara Kyle, Director
Ron Jones, Director



460 James Robertson Parkway
Nashville, Tennessee 37243-0505

March 14, 2005

Guy M. Hicks
Joelle Phillips
BellSouth Telecommunications, Inc.
333 Commerce Street, Suite 2101
Nashville, TN 37201

Henry Walker
Boulton, Cummings, Conners & Berry, PLC
1600 Division Street, Suite 700
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Nanette Edwards
ITC^DeltaCom
4092 South Memorial Parkway.
Huntsville, AL 35802

Dana Shaffer
XO Tennessee, Inc.
105 Molloy Street, Suite 300
Nashville, TN 37201

Re. Enforcement of Interconnection Agreement Between BellSouth
Telecommunications, Inc. and ITC^DeltaCom Communications, Inc.

Enforcement of Interconnection Agreement Between BellSouth
Telecommunications, Inc. and XO Tennessee, Inc.

TRA Docket No. 02-01203

Ladies and Gentlemen.

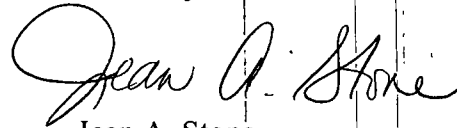
As you are aware, on August 2, 2004, BellSouth requested that a hearing officer be appointed in this docket to replace Kim Beals, who had left the agency. ITC^DeltaCom and XO joined that request on August 18, 2004 and asked that a status conference be scheduled with the hearing officer to address any remaining issues. At that status conference, I expressed to the parties my opinion that because Ms. Beals, whom I had replaced as hearing officer, had been appointed to handle "pre-hearing" matters, I did not have the authority to act on any post-hearing matters, including approval of the audit plan or the matter of the independence of the selected auditor. I also agreed to take the matter of the hearing officer's authority under advisement.

Nevertheless, I had hoped, as I'm sure you did as well, that the discussions between the parties at that meeting would lead to an agreement which would enable this matter to move forward to be heard by the panel. That agreement did not occur.

After further review, I am still of the opinion that I as hearing officer do not have the authority to resolve any of the remaining disagreements between the parties. Some of the confusion concerning the hearing officer's authority no doubt arose because matters in this docket were addressed previously by Ms. Beal's rulings on pre-hearing motions that were subsequently approved by the panel. The panel has not authorized a hearing officer to consider any post-hearing disputes such as the ones that are occurring now.

Therefore, this matter will be placed before the Directors at a future date for either their consideration of your disputes or delegation of authority to a hearing officer to address these pending matters.

Sincerely,

A handwritten signature in cursive script, reading "Jean A. Stone". The signature is written in dark ink and is positioned above the printed name and title.

Jean A. Stone
as Hearing Officer

c: Original in Docket file